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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,910	06/14/2005	Norman Faiola	156-037	5139
40621	7590	09/11/2009		
PASTEL LAW FIRM CHRISTOPHER R. PASTEL 8 PERRY LANE ITHACA, NY 14850-9267			EXAMINER CHIN, RANDALL E	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 09/11/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,910

Applicant(s)

FAIOLA, NORMAN

Examiner

Randall Chin

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13, 14 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13, 14 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 5 is objected to because of the following informalities:

Claim 5 is still redundant of claim 4 since claim 5 depends on claim 4.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Rix et al. 1,553,915 (hereinafter Rix).

As for claim 18, Rex teaches a cleaning apparatus in Fig. 2 comprising a brush assembly which includes a pad or brush 17 removably attached, if so desired, to a retainer or brace 18, said brush including a plurality of fibers or "bristles" (since it's felt), said brush 17 having at least one cleaning surface, and wherein said brace 18 is selectively engageable with a workstation such that said brace 18 is capable of being manipulated with respect to said workstation, while engaged with said workstation,

between a first pre-selected position (i.e., off the workstation) and a second pre-selected position (i.e., on the workstation).

As for claim 18 specifically reciting that the brush assembly is "selectively engageable with a faucet", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck 1,329,694 (hereinafter Beck) in view of Reip 2,575,361 (hereinafter Reip).

As for claim 1, the patent to Beck discloses in Figs. 1 and 3 an apparatus, comprising a brush assembly 25, said brush assembly 25 including a backplane with at least one brush attached to said backplane such that all of a plurality of bristles on said at least one brush faces perpendicularly outward from said backplane, and a clamping mechanism 11, 12, 15, 16 which attaches said brush assembly 25 to a faucet 10 (p. 1, lines 40-50). The patent to Beck discloses all of the recited subject matter as set forth above with the exception of a resilient clamping mechanism which attaches said brush

assembly to a faucet by stretching and then contracting onto said faucet. The patent to Reip discloses a resilient clamping mechanism 11, 20 which attaches said brush assembly to a pipe 10 by stretching and then contracting onto said pipe 10 (col. 2, lines 11-39). It would have been obvious to one of ordinary skill in the art to have substituted the resilient clamping mechanism of Reip for Beck's clamping mechanism for the purpose of enabling the clamping mechanism to stretch and contract onto faucets or pipes of various sizes or diameters thus rendering the apparatus more versatile.

As for claim 2, said clamping member is effective for pivoting said brush assembly in and out of line with a workstation.

As for claim 6, said clamping mechanism is removably attachable to the faucet (through Beck's wing nut 14).

As for claim 7, said clamping mechanism includes a rigid mounting member connected to said brush assembly 25.

As for claim 8, said clamping mechanism includes a rigid mounting member which can be guide structure 22 integral with said brush assembly 25 (at final assembly).

As for claim 3, 4, 5, 9 and 10, it would have been obvious to one of ordinary skill in the art to have chosen such specific metals such as stainless steel for the backplane and/or clamping mechanism to prevent rust buildup in a water environment and for durability and stability purposes when attached to the faucet.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beck in view of Reip as applied to claim 1 above, and further in view of Young 4,757,571 (hereinafter Young).

The patent to Young discloses in Fig. 3, for example, a brush arrangement comprising two opposed brushes 37, 37 each facing outwards from a backplane 38. It would have been obvious to have provided the modified Beck apparatus with an arrangement wherein the brush is at least two opposed brushes each facing outwards from a backplane as suggested by Young for facilitating the scrubbing of both hands simultaneously.

7. Claims 13, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubert 2,019,705 (hereinafter Hubert) in view of Leiferman et al. 6,029,292 (hereinafter Leiferman).

As for claim 13, the patent to Hubert discloses in Figs. 1 and 4, for example, a brush assembly, said brush assembly including a "backplane" merely defined by the twisted wire plane 100 (Fig. 4) with at least one brush attached to said backplane such that a plurality of bristles 18 on said at least one brush faces outward from said backplane, and a clamping mechanism 48', 50', 154 which removably attaches said brush assembly to a faucet, wherein said clamping mechanism includes a hose or rod 150 having first and second ends, wherein said first end is connected to an end portion of said brush assembly (at least indirectly) and said second end is connected to said faucet (Fig. 4). The patent to Hubert discloses all of the recited subject matter as set

forth above with the exception of a plane formed by the backplane intersecting a longitudinal axis of the faucet. The patent to Leiferman teaches an apparatus wherein a plane formed by a backplane of a scrubbing assembly 31 (Fig. 1, for example) intersects a longitudinal axis of a faucet 21. It would have been obvious to one of ordinary skill in the art to have modified the structural configuration of Hubert's apparatus such that a plane formed by the backplane intersects a longitudinal axis of the faucet as suggested by Leiferman in order to facilitate the washing of hands or fingernails, if so desired.

As for claim 14 reciting that said second end is connected to said faucet via an internally threaded connector which screws into a faucet head of said faucet, it is the Examiner's position that an internally threaded connector arrangement is old and well known in the faucet or hose art and that it would have been obvious to one of ordinary skill to have utilized an internally threaded connector arrangement for the purpose of more securely fastening the rod to the faucet. Further, it is well known that faucets typically have threaded ends to accommodate and connect various types of attachments.

As for claim 20, said at least one brush is two opposed brushes each facing outwards from said "backplane" 100 (Fig. 4).

Conclusion

8. Applicant's arguments with respect to claims 1-10, 13, 14 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randall Chin/
Primary Examiner, Art Unit 3723

